

Appl. No. 10/765,791
Amdt. Dated September 4, 2007
Reply to Office Action of July 12, 2007

REMARKS

Applicants thank the Examiner for acknowledging receipt of foreign priority document, Japanese Application No. JP2000-284260, that has been submitted pursuant to 35 U.S.C. § 119 and/or PCT Rule 17.2(a) in parent Application Serial No. 09/955,668.

New claims 92 - 101 have been added in order to alternately define the invention as disclosed in the specification.

Without conceding the propriety of the Examiner's position, and solely to expedite prosecution, claims 51, 56, 60, 65, 66, and 91 have been cancelled without prejudice or disclaimer.

Applicants respectfully request reconsideration of the Examiner's rejection of the claims under 35 U.S.C. §112. Applicants submit that a critical part of the invention disclosure is the use of an electrode that is relatively smaller than the object to be polished or plated. As noted in the Background of the Invention portion of the specification, prior art devices utilized electrodes that extended across the entire length of the target object. These types of electrodes resulted in poor results including dishing (Fig. 36), erosion (Fig. 37), recesses (Fig. 38), scratches, and chemical damage (See Fig. 39). In contrast to these devices, Applicants invention utilizes an electrode that is a fraction of the size of the surface of the object to be polished or plated, and then utilize a moving means to ensure that the entire surface is effected by the fractional-sized electrode(s). In order to comply with the Examiner's rejection, Applicants have amended the claims in order to positively recite the size limitation in reference to the table. Applicants submit that the portion of the table corresponding to the size of the

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object to be polished is readily determinable based on the size and movement limitations of the clamping or vacuum means for holding the object to the table. Additionally, the limitations clearly sets forth the bounds of the patent protection sought, and prevents the claims from covering prior art devices that utilized an electrode the same size as or bigger than the object to the plated or polished.

Applicants respectfully request reconsideration of the Examiner's rejection of claims 50, 52 - 55, 57 - 59, 62 - 64, and 90 under 35 U.S.C. §102. The Examiner has rejected these claims in view of the cited reference of *Wang et al.* (U.S. Patent No. 6,447,668). The *Wang* reference is directed to an apparatus for detecting an end-point of an electropolishing process of a metal layer formed on a wafer. (See the Abstract of the Invention). Applicants submit that for at least the reason that Wang fails to disclose a cathode smaller than the object to be polished, and fails to disclose a moving means for moving the cathode, the Wang reference fails to disclose each and every element of the claimed invention, as required by the Federal Courts. ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Specifically, Applicants note that the structure cited by the Examiner on the top of page 4 of the last Office Action (the cathode jets 254) are merely electrolytic solution jets that eject an electrolytic solution between the cathode and object structure of Fig. 24. As disclosed in Column 34 and Fig. 24 of Wang, the cathode 240 extends the entire length of the object 31, and is not movable.

Appl. No. 10/765,791
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Furthermore, as noted in Column 37, lines 1 – 8, the embodiment of Fig.'s 28A and 28B is similar to Fig's 24A and 24B, except that the fixed values are replaced with moveable jets 254 which are supplied with fresh electrolyte through flexible pipe 258. Importantly, the jets 254 do not comprise any portion of a cathode, but merely provide for the ejection of electrolyte between the cathode 240 of Fig. 24 and the object 41 of Fig. 24.

For at least these reasons, Applicants submit that the Examiner's rejection under 35 U.S.C. §102 should be withdrawn and the remaining claims placed into condition for allowance.

The Examiner's remaining references cited but not relied upon, considered either alone or in combination, also fail to teach applicant's currently claimed invention. In light of the foregoing, Applicants respectfully submit that all claims now stand in condition for allowance.

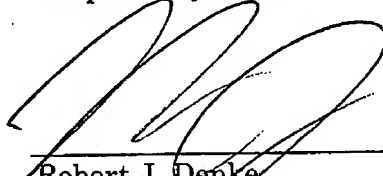
Appl. No. 10/765,791
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In the event that it is deemed necessary, the Commissioner is hereby
authorized to charge any fees due or to credit any overpayment to Deposit
Account No. 50-3891.

Respectfully submitted,

Date:

9/6/07



(Reg. #37,607)

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